

**Remarks**

Claims 1-22 are pending. Claims 23-25 have been cancelled without prejudice to the subject matter disclosed therein.

The applicant appreciates the care taken by the Examiner to clarify his rejection of the claims. Although some of the arguments presented by the applicant in his Response of October 4, 2004, may leave the impression that the applicant is “arguing over semantics,” the applicant respectfully submits that he is obliged to be thorough in his response, and that such arguments are neither intended to be pedantic nor presented merely for the sake of argument.

**Rejection of Claims under 35 U.S.C. § 102**

Claims 1-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shiragaki et al., U.S. Patent No. 6,657,952 (Shiragaki). The applicant respectfully traverses this rejection.

Shiragaki neither teaches nor suggests a network including:

the second node operable to receive transit data from the fourth transmission media; detect a first fault in the second transmission media, and forward the transit data from the third node received on the fourth transmission media to the third node on the third transmission media; and

the first node operable to receive transit data on the fifth transmission media; and, irrespective of the existence of the first fault, forward the transit data from the fourth node to the second node on the fifth and first transmission media,

as required by independent claim 1.

Regarding the claim requirement “the second node operable to . . . forward the transit data from the third node received on the fourth transmission media to the third node on the third transmission media,” the Examiner states:

. . . forward data from the third node (e.g., 105) received on the fourth media (e.g., 102 P or 103 W from 105 to 106) to the third node (e.g., 105) on the third media (e.g., 101 W or 104 P from 106 to 105 . . . . (Office Action of December 8, 2004, p. 5, top)

Thus, while the Examiner has identified elements of Shiragaki that might correspond to the applicant’s third node, third transmission media, and fourth node, the Examiner has

pointed to nothing in Shiragaki teaching or suggesting that transit data received at node 106 on a path (102 or 103) between nodes 105 and 106, is forwarded back to node 105 on another path (101 or 104) between nodes 105 and 106. That Shiragaki does not teach or suggest such an operation can further be seen from the node detail in **Figure 12**. Here, it is clear that switching occurs between paths carrying data in the same direction, e.g., switching from 101 to 103. Additionally, the applicant notes that the Examiner provides no response to the applicant's previous arguments regarding this limitation in the Response to Arguments section of his Office Action of December 8, 2004.

Regarding the claimed "the first node operable to receive transit data on the fifth transmission media; and, irrespective of the existence of the first fault, forward the transit data from the fourth node to the second node on the fifth and first transmission media," the Examiner similarly points to elements of Shiragaki that might correspond to the applicant's first node, second node, fourth node, first transmission media, and fifth transmission media. However, the Examiner points to nothing in Shiragaki teaching or suggesting the claim limitation.

Accordingly, the applicant respectfully submits that claim 1 is allowable over Shiragaki. Claims 2-14 depend from claim 1 and are allowable for at least this reason.

Shiragaki neither teaches nor suggests a method including:

. . . wrapping transit data from a second, faulted ring to a first, intact ring at an upstream node adjacent to a fault; and

maintaining transit data on the first, intact ring between the upstream node and a downstream node adjacent to the fault,

as required by independent claim 15, and generally required by independent claims 18 and 20.

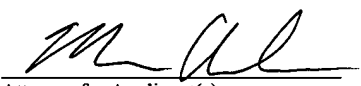
Regarding the claimed wrapping, the Examiner states "wrapping transit data back to third node (using protection rings or any other of the four ring disclosed col. 12, faults can occur any where, Figs. 11, 15; summary) . . . ." Office Action of December 8, 2004, page 6, ¶1. Nothing referenced by the Examiner teaches or suggests "wrapping transit data from a second, faulted ring to a first, intact ring at an upstream node adjacent to a

fault.” In particular, nothing in Shiragaki teaches or suggests wrapping traffic at an upstream node adjacent to a fault. As noted above, Shiragaki teaches the use of additional paths (e.g., separate from the claimed first and second rings) when a fault is encountered.

Regarding the claimed “maintaining transit data on the first, intact ring between the upstream node and a downstream node adjacent to the fault,” the Examiner continues to present no argument as to where or how Shiragaki teaches or suggests this method step.

Accordingly, the applicant respectfully submits that claims 15, 18, and 20 are allowable over Shiragaki. Claims 16-17, 19, and 21-22 depend from claims 15, 18, and 20 respectively, and are allowable for at least this reason.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on <u>Mar 8</u> , 2005.	
 Attorney for Applicant(s)	<u>3/8/05</u> Date of Signature

Respectfully submitted,



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